

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA


William S. Pegues,)	C/A No.: 5:21-763-TMC-KDW
)	
Petitioner,)	
)	
v.)	ORDER
)	
Warden Kendall,)	
)	
Respondent.)	
_____)	

William S. Pegues (“Petitioner”) proceeding pro se, filed this action seeking habeas corpus relief under 28 U.S.C. § 2254. Respondent filed a Return and Motion for Summary Judgment on June 10, 2021. ECF Nos. 20, 21. As Petitioner is proceeding pro se, the court entered an order pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), advising Petitioner of the importance of a motion for summary judgment and of the need for him to file an adequate response by July 15, 2021. ECF No. 23. Petitioner was specifically advised that if he failed to respond adequately, Respondent’s motion may be granted, thereby ending this case.

Notwithstanding the specific warning and instructions set forth in the court’s *Roseboro* order, Petitioner has not responded to the motion nor has he otherwise communicated with the court. As such, it appears to the court that he does not oppose the motion and wishes to abandon this action. Based on the foregoing, Petitioner is directed to advise the court whether he wishes to continue with this case and to file a response to Respondent’s Motion for Summary Judgment by **August 16, 2021**. Petitioner is further advised that if he fails to respond, this action will be recommended for dismissal with prejudice for failure to prosecute. *See Davis v. Williams*, 588 F.2d 69, 70 (4th Cir. 1978); Fed. R. Civ. P. 41(b).

IT IS SO ORDERED.

July 28, 2021
Florence, South Carolina

A handwritten signature in black ink, reading "Kaymani D. West". The signature is written in a cursive, flowing style.

Kaymani D. West
United States Magistrate Judge